

**VETERINARY EXAMINING BOARD
MINUTES
MAY 25, 2011**

- PRESENT:** Wesley Elford, DVM; Marthina Greer, DVM; Brenda Nemec, CVT; William Rice, DVM; Robert R. Spencer, DVM; Theresa Waage; Neil Wiseley, DVM
- EXCUSED:** Joan Wywialowski
- STAFF PRESENT:** Kelli Kaalele, Bureau Director; Michele Miller Hayes, Legal Counsel; Karen Rude-Evans, Bureau Assistant; and other DRL Staff
- GUESTS:** Kelly McDowell, Kim Brown Pokorny and Bob Klosterman, Wisconsin Veterinary Medical Association (WVMA); Yvonne Bellay, Department of Agriculture, Trade and Consumer Protection (DATCP); Laurie Angell, Wisconsin Veterinary Technician Association (WVTA); Amy Mikla and Christopher Olsen, U.W. School of Veterinary Medicine

CALL TO ORDER

Robert Spencer, Chair, called the meeting to order at 9:36 a.m. A quorum of seven (7) members was present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Under Item B (open) – Public Hearing... - additional items to be considered:
 - Correspondence from Christopher Olsen and Daryl Buss, U.W. School of Veterinary Medicine
 - Proposed changes to the rules draft based on the Clearinghouse review
- Under Item D (open) – Presentation of Proposed Stipulations... - one additional Stipulation:
 - 04 VET 005 – Wayne M. Grover
 - Attorney: Pamela Stach
 - Case Advisor: Donald Peterson
- Under Item I1 (open) – insert the Rules Report-March 2011 after page 60
- Under Item O (closed) – Deliberation of Proposed Stipulations... - insert after page 110:
 - 04 VET 005 – Wayne M. Grover
 - Attorney: Pamela Stach
- Case Status Report – insert at the end of the agenda in closed session

MOTION: Theresa Waage moved, seconded by Wesley Elford, to adopt the agenda as amended. Motion carried unanimously.

9:30 A.M.

**PUBLIC HEARING REGARDING CONSIDERATION OF AN EMERGENCY RULE
AND ADOPTION OF PERMANENT RULES TO AMEND VE 2.01(2); 3.03(INTRO) AND
(5), RELATING TO REQUIREMENTS FOR THE INITIAL LICENSURE OF
VETERINARIANS**

Robert Spencer called the public hearing to order at 9:41 a.m. Christopher Olsen, DVM, registered to speak and addressed the Board. The public hearing adjourned at 9:54 a.m.

**REVIEW AND CONSIDERATION OF CLEARINGHOUSE COMMENTS AND
COMMENTS FROM THE PUBLIC EITHER IN WRITING OR MADE AT THE
PUBLIC HEARING ON VE 2, 3**

Michele Miller Hayes reviewed the Clearinghouse comments and public comments with the Board. The Board stated their intention in VE 2.01 (2) is the students' expected graduation date should be within 8 months in order to be eligible to sit for the NAVLE. If a student does not graduate as expected and has passed the NAVLE, the score would still be valid.

MOTION: William Rice moved, seconded by Theresa Waage, to approve the Clearinghouse changes as documented. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 16, 2011

MOTION: Marthina Greer moved, seconded by Theresa Waage, to approve the minutes of February 16, 2011 as written. Motion carried unanimously.

WELCOME NEW BOARD MEMBERS

Robert Spencer welcomed Brenda Nemec and Neil Wiseley to the Board. They both gave a brief history of their backgrounds and all members introduced themselves.

**PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND
ORDERS BY THE DIVISION OF ENFORCEMENT**

The following Proposed Stipulations, Final Decisions and Orders were presented by DOE staff:

- 1) 09 VET 009 – Benjamin R. Seebart, DVM
- 2) 09 VET 027 and 10 VET 033 – Gary N. Smrstick, DVM
- 3) 09 VET 035 – Joseph E. Kelley, DVM
- 4) 09 VET 057 – Mark A. Thompson, DVM
- 5) 11 VET 009 – Timothy J. Buback, DVM
- 6) 09 VET 043 – William G. Hicks, DVM
- 7) 04 VET 015 – Wayne M. Grover, DVM

BUREAU DIRECTOR MATTERS

Kelli Kaalele reported that receipts are no longer required for in-state travel voucher reimbursements. The format of meeting minutes have changed to action items only.

BOARD APPOINTMENTS

Dr. Robert Spencer made the following appointments for 2011:

Rules Review Committee: William Rice (Chair); Brenda Nemec; Wesley Elford; Joan Wywialowski

Credentialing Liaison(s): Brenda Nemec, William Rice

Division of Enforcement (DOE) Monitoring Liaison: Robert Spencer

Digest/Communication Advisor: (vacant)

Examination Liaison(s): Neil Wiseley

Legislative Liaison: Robert Spencer

Professional Assistance Procedure (PAP) Liaison: Marthina Greer

Screening Panel: Marthina Greer, Brenda Nemec, Wesley Elford, Theresa Waage

ITEMS FOR BOARD DISCUSSION

2011-2012 NAVLE Administration

This item was informational.

Annual Approval of Veterinary Colleges/ Ross University School of Veterinary Medicine

The Board reviewed the list of approved veterinary colleges.

MOTION: Wesley Elford moved, seconded by Marthina Greer, to approve the list of accredited veterinary colleges, including Ross University. Motion carried unanimously.

Approval of Courses

The correspondence regarding RACE was noted.

Unlicensed Practice of Veterinary Medicine

John Murray, Executive Assistant, and Attorney Heather Curnutt, DOE Attorney Supervisor, addressed the Board regarding unlicensed practice of veterinary medicine.

Letter to Veterinarians Regarding Disciplinary Cases

Heather Curnutt reviewed the new language with the Board.

Course on Informed Consent Presented By The WVMA

This information was noted.

Course in Communication Skills Put On By The UW

This information was noted.

Low Cost Spay/Neuter Clinics

The Board reviewed the information regarding a low cost spay/neuter clinic.

LEGISLATION/ADMINISTRATIVE RULES MATTERS

Administrative Rules Report

The Administrative Rules Report was reviewed.

PRACTICE QUESTIONS

Supervising Technician

This item was noted. Discussion was tabled to closed session.

OTHER BUSINESS

Dr. Robert Spencer publicly thanked JoAnn Kleman and Dr. Donald Peterson for their service and dedication to the Board.

PUBLIC COMMENTS

There were no comments.

CLOSED SESSION

MOTION: Marthina Greer moved, seconded by William Rice, to convene to closed session to deliberate on cases following hearing (Wis. Stat. 19.85(1) (a)), to consider licensure or discipline (Wis. Stat. § 19.85(1) (b)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85(1) (f)), and to confer with legal counsel (Wis. Stat. § 19.85(1) (g)). Motion carried by a roll call vote: Wesley Elford-yes; Marthina Greer-yes; Brenda Nemec-yes; William Rice-yes; Robert R. Spencer-yes; Theresa Waage-yes; Neil Wiseley-yes.

The Board convened into Closed Session at 12:23 p.m.

**RECONVENE INTO OPEN SESSION IMMEDIATELY
FOLLOWING CLOSED SESSION**

MOTION: Theresa Waage moved, seconded by Brenda Nemec, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 2:09 p.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF
VOTING IS APPROPRIATE**

DELIBERATION OF STIPULATION(S), FINAL DECISION(S) AND ORDER(S)

**BENJAMIN R SEEBART, DVM
09 VET 009**

MOTION: Wesley Elford moved, seconded by William Rice, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the disciplinary proceedings against Benjamin R. Seebart, DVM. Motion carried unanimously.

**GARY N SMRSTICK, DVM
09 VET 027 AND 10 VET 033**

MOTION: Marthina Greer moved, seconded by Wesley Elford, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the disciplinary proceedings against Gary N. Smrstick, DVM. Motion carried unanimously.

**JOSEPH E KELLEY, DVM
09 VET 035**

MOTION: Marthina Greer moved, seconded by Theresa Waage, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the disciplinary proceedings against Joseph E. Kelley, DVM. Motion carried unanimously.

**MARK A THOMPSON, DVM
09 VET 057**

MOTION: Theresa Waage moved, seconded by Wesley Elford, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the disciplinary proceedings against Mark A. Thompson, DVM. Motion carried unanimously.

**TIMOTHY J BUBACK, DVM
11 VET 009**

MOTION: Marthina Greer moved, seconded by William Rice, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the disciplinary proceedings against Timothy J. Buback, DVM. Motion carried unanimously.

**WILLIAM G HICKS, DVM
09 VET 043**

MOTION: William Rice moved, seconded by Wesley Elford, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the disciplinary proceedings against William G. Hicks, DVM. Motion carried unanimously.

**WAYNE M GROVER, DVM
04 VET 015**

MOTION: Wesley Elford moved, seconded by Neil Wiseley, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the disciplinary proceedings against Wayne M. Grover, DVM. Motion carried unanimously.

DELIBERATION OF PROPOSED DECISION

**JESSICA TUSHAUS, CVT
08 VET 001**

MOTION: Wesley Elford moved, seconded by Theresa Waage, to reject the Proposed Decision and Order in the disciplinary proceedings against Jessica Tushaus, CVT, and to issue a variance to the ALJ's Decision. Motion carried unanimously.

DELIBERATION OF PROPOSED ADMINISTRATIVE WARNINGS

09 VET 025, G.S.

MOTION: William Rice moved, seconded by Marthina Greer, to issue an administrative warning to respondent G.S. in case number **09 VET 025**. Motion carried unanimously.

09 VET 025, L.S.

MOTION: William Rice moved, seconded by Marthina Greer, to issue an administrative warning to respondent L.S. in case number **09 VET 025**. Motion carried unanimously.

09 VET 025, P.S.

MOTION: William Rice moved, seconded by Marthina Greer, to issue an administrative warning to respondent P.S. in case number **09 VET 025**. Motion carried unanimously.

09 VET 025, R.U.

MOTION: William Rice moved, seconded by Marthina Greer, to issue an administrative warning to respondent R.U. in case number **09 VET 025**. Motion carried unanimously.

09 VET 025, S.K.

MOTION: William Rice moved, seconded by Marthina Greer, to issue an administrative warning to respondent S.K. in case number **09 VET 025**. Motion carried unanimously.

09 VET 025, W.S.

MOTION: William Rice moved, seconded by Marthina Greer, to issue an administrative warning to respondent W.S. in case number **09 VET 025**. Motion carried unanimously.

09 VET 034, S.K.

MOTION: William Rice moved, seconded by Marthina Greer, to issue an administrative warning to respondent S.K. in case number **09 VET 034**. Motion carried unanimously.

10 VET 36, W.V.

MOTION: William Rice moved, seconded by Marthina Greer, to issue an administrative warning to respondent W.V. in case number **10 VET 036**. Motion carried unanimously.

10 VET 047, G.B.

MOTION: William Rice moved, seconded by Marthina Greer, to issue an administrative warning to respondent G.B. in case number **10 VET 047**. Motion carried unanimously.

CASE STATUS REPORTS

Noted.

CASE CLOSINGS

09 VET 016

MOTION: Wesley Elford moved, seconded by Theresa Waage, to close case **09 VET 016** against T.S. for no violation. Motion carried unanimously.

09 VET 034, N.K.B.

MOTION: Wesley Elford moved, seconded by Theresa Waage, to close case **09 VET 034** against respondent N.K.B. no violation. Motion carried unanimously.

10 VET 054

MOTION: Wesley Elford moved, seconded by Theresa Waage, to close case **10 VET 054** for no violation for all respondents. Motion carried unanimously.

10 VET 055 AND 10 VET 056

MOTION: Wesley Elford moved, seconded by Theresa Waage, to close cases **10 VET 055** and **10 VET 056** for no jurisdiction. Motion carried unanimously.

10 VET 014

MOTION: Wesley Elford moved, seconded by Theresa Waage, to close case **10 VET 014** for insufficient evidence. Motion carried unanimously.

10 VET 019

MOTION: Wesley Elford moved, seconded by Theresa Waage, to close case **10 VET 019** for prosecutorial discretion (P2). Motion carried unanimously.

10 VET 058

MOTION: Wesley Elford moved, seconded by Theresa Waage, to close case **10 VET 058** for no violation against respondents E.B. and M.E. and for prosecutorial discretion (P2) against respondent J.K. Motion carried unanimously.

10 VET 044

MOTION: Wesley Elford moved, seconded by Theresa Waage, to close case **10 VET 044** for compliance gained (P2). Motion carried unanimously.

ADJOURNMENT

MOTION: Theresa Waage moved, seconded by Marthina Greer, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:23 p.m.

THE NEXT MEETING IS SCHEDULED FOR AUGUST 3, 2011